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Frank Bosse

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EXAMINER

THROWER, LARRY W

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Response to Arguments

1. Applicant's arguments filed March 26, 2009 have been fully considered but they are not persuasive.
 - Applicant argues that the text added to the specification is generic and therefore does not constitute new matter. This argument has been considered but is not persuasive. The added language specifically attempts to broaden the embodiments originally disclosed to include "variations," "modifications" and "changes" that were not supported by the original application. This is prohibited by 35 U.S.C. 132(a).
 - Applicant traverses the restriction requirement and argues that the common technical feature of the two groups of claims is not known in the prior art. This argument has been considered but is not persuasive. The common technical feature in both groups is extruding a film tube, laying the extruded film tube flat, cutting the flattened film tube in a conveying direction thereof to provide a first and a second sheet, squeezing the first and second sheets, and performing a reversing operation such that parts of the surfaces of at least one of the sheets come into contact, the surfaces that come into contact with each other being those that formed an interior surface of the film tube. This cannot be a special technical feature under PCT Rule 13.2, because the elements are known in the prior art. Dellbruegge (DE 19501668; paragraph references to the machine translation) discloses extruding a film tube (10; ¶2), laying the extruded film tube flat (¶2), cutting the flattened film tube in a conveying direction thereof to provide a first and second sheet (¶5, fig. 1),

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squeezing the first and second sheets (¶2; squeeze rollers 16), and performing a reversing operation such that parts of the surface of at least one of the sheets come into contact (figure 1), the surfaces that come into contact with each other being those that formed an interior surface of the film tube (the interior surfaces come into indirect contact with each other as the interior side of one sheet is laid on the exterior side of the other sheet as they are transported through a reversing device (30, 32, 34, 36)).

- Applicant further argues that the difference between the instant invention and Dellbrugge is that "...in Dellbrugge's process, the interior surfaces of the film tube *do not contact each other* after the flattening of the film tube," and that claim 1 requires the interior surfaces of the tube to come "*...into contact* with each other" (emphasis in Applicant's response). This argument has been considered but is not persuasive. In Dellbrugge's process, the interior surfaces come into indirect contact with each other as the interior side of one sheet is laid on the exterior side of the other sheet as they are transported through a reversing device. Applicant has failed to distinguish the language of the claims over the teachings of the prior art.
- Applicant further argues that the concept of indirect contact is unclear. As explained in *Turbocare Division of Demag Delaval Turbomachinery Corporation v. General Electric Company*, objects that are in indirect contact refers to "... objects that do not touch one another but have other objects interposed between them. In the absence of a special definition of the term 'contact' in the specification, that term should be given its ordinary and accustomed meaning" 264 F.3d 1111 (Fed. Cir. 2001). In the

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process of Dellbrugge, the interior surfaces come into indirect contact with each other as the interior side of one sheet is laid on the exterior side of the other sheet as they are transported through a reversing device, thereby meeting the requirement in claim 1 that the interior surfaces come into contact with each other.

- Applicant finally argues that because Hoene does not disclose sticky film layers, a person of ordinary skill in the art "...would never take the teaching of Hoene into account." This argument has been considered but is not persuasive. Both Hoene and Dellbruegge disclose processes for the preparation of tube webs, where Dellbruegge cures the deficiencies of Hoene by teaching the arrangement of knives and the sticky surface, as described in the previous Office action. One of ordinary skill in the art would have motivated to combine the two references at the time the invention was made because of the art-recognized need for sheets having adhesive layers, as explicitly taught and solved by Dellbruegge (¶3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LARRY THROWER whose telephone number is 571-270-5517. The examiner can normally be reached on Monday through Friday from 9:30AM-6PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on 571-272-1176. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Larry Thrower/
Examiner, Art Unit 1791

/Christina Johnson/

Supervisory Patent Examiner, Art Unit 1791